

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANGELA NAILS,

Plaintiff,

v.

Case No. 2:17-cv-13702

District Judge Lauri J. Michelson

Magistrate Judge Anthony P. Patti

RPI-SECTION 8 HOUSING,

Defendant.

**ORDER DENYING MOTION TO DEFINE INCOME (DE 12), SETTING
BRIEFING SCHEDULE AND STAYING DISCOVERY**

A. Introduction

Plaintiff, Angela Nails, who is proceeding without the assistance of counsel, filed her complaint in this matter on November 13, 2017 against Defendant RPI-Section 8 Housing, claiming that Defendant did not allow Plaintiff to appeal the termination of her “section 8 Housing voucher.” (DE 1.) Defendant “RPI-Section 8 Housing” a/k/a RPI Management Inc. (hereinafter “RPI Management Inc.”), filed its answer and affirmative defenses on February 28, 2018. (DE 13.)

This case has been referred to me for pretrial matters, and a scheduling conference was noticed for April 2, 2017. (DEs 7, 16.) On that date, Plaintiff appeared on her own behalf and attorney Kevin J. Callahan appeared for Defendant RPI Management Inc. and indicated that he would be its lead counsel. Attorney

Callahan was directed to file his formal, electronic appearance forthwith. The conference was held on the record.

B. Plaintiff's Motion to Define Income (DE 12) is Denied

On January 30, 2018, Plaintiff filed a motion to define income, in which she asks the Court whether “any part of student loans and military scholarship [are] income.” (DE 12.) As explained at the hearing, Plaintiff’s motion asks a question—namely, whether certain funds are considered “income”—and does not seek a ruling or order from the Court; therefore, it is not a proper motion. *See* Fed. R. Civ. P. 7(b). Accordingly, for the reasons stated on the record, Plaintiff’s motion is **DENIED**.

C. Dispositive Motion Briefing Schedule and Stay of Discovery

On March 12, 2018, Plaintiff filed a motion for summary judgment. (DE 15.) Also, during the conference, counsel for Defendant RPI Management Inc. asserted that Defendant is a “for profit independent contractor” with the Michigan State Housing Development Authority (MHSDA) and is not a proper party here regarding the termination or expiration of Plaintiff’s housing voucher. Counsel for Defendant stated that he therefore intends to file a Rule 12 motion to dismiss. As set forth during the conference:

1. Defendant RPI Management Inc. must respond to Plaintiff’s Motion for Summary Judgment (DE 15) and file any motions based on Rule 12,

jurisdiction or exhaustion of remedies, if any, on or before **MONDAY, APRIL 23, 2018**.

2. Plaintiff must respond to any such motion filed by Defendant on or before **MONDAY, MAY 18, 2018**, and may also file a reply brief in support of her own motion for summary judgment by that same date.

The Court will not order the parties to exchange initial disclosures. For the reasons stated on the record, all other discovery as provided for in Fed. R. Civ. P. 26-37 is **STAYED** pending the Court's decision on Defendant's impending dispositive motion. If the Court denies Defendant's initial dispositive motion, the Court will issue a Scheduling Order thereafter.

Finally, as instructed at the conference, parties are expected to comply with the Federal Rules of Civil Procedure and the Local Rules for the Eastern District of Michigan, and adhere to my Practice Guidelines, which can be accessed at

<https://www.mied.uscourts.gov/index.cfm?pageFunction=chambers&judgeid=51>.

The rules, and additional help for *pro se* litigants, can be accessed online via

<https://www.mied.uscourts.gov/index.cfm?pageFunction=proSe>. Plaintiff has also

been made aware of the *pro se* clinic which has been newly opened in this courthouse.

IT IS SO ORDERED.

Dated: April 2, 2018

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on April 2, 2018, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti